

146.465 Acquisition of land or interest in land -- Buffer areas -- Articles of dedication.

The office is authorized and empowered for and on behalf of the Commonwealth of Kentucky:

- (1) To accept and administer gifts, grants, devises and bequests of money, securities or property to be used by the office for the purposes of KRS 146.200 to 146.619.
- (2) To acquire natural areas by gift, devise, purchase or exchange, provided that any interest owned by the Commonwealth or by any subdivision thereof may be dedicated only by voluntary act of the agency having jurisdiction thereof.
- (3) To acquire the fee simple interest or any one or more lesser estates, interests and rights therein, including, but not limited to, leasehold estates, easements, and licenses either granting the Commonwealth specified rights of use or licenses denying to the grantor specified rights of use, or both. Lesser than fee simple estates, particularly scenic easements, should be sought in the establishment of trails or other narrow or elongated or extensive uses.
- (4) For the purpose of protecting a nature preserve, adjoining land that is not otherwise suitable for dedication as part of the nature preserve may be dedicated as buffer area in the same manner as provided in KRS 146.410 to 146.530 for the dedication of a nature preserve. A dedicated buffer area shall have the same protection under KRS 146.410 to 146.530 as a nature preserve.
- (5) An estate, interest or right in a natural area may be dedicated by any agency of the Commonwealth having jurisdiction thereof, by any other unit of government within the state having jurisdiction thereof, and by private owners thereof in the same manner as the ordinary conveyance of land. A dedication shall be deemed effective, and a natural area shall become a nature preserve only upon the acceptance of the articles of dedication by the office. Articles of dedication shall be placed on public record in the proper place for recording deeds in the county or counties in which the area is located, and with the office at its Frankfort office.
- (6) Articles of dedication may contain restrictions relating to management, use, development, transfer, and public access, as well as such other provisions as may be necessary to further the purposes of KRS 146.410 to 146.530. Specifically, the donor, deviser or grantor of the preserve may prescribe the places where, and the means by which, the public may secure access to the preserve so as to protect the preserve from overuse and maintain the unencumbered private use of undedicated lands adjoining the preserve. The articles may likewise provide penalties and procedures to be applied in case of violation of their provisions. The articles may recognize and create reversionary rights, transfers upon conditions, and gifts. The articles may vary in provisions from one nature preserve to another in accordance with differences in the characteristics and conditions of the areas involved, or for other reasons found necessary by the office and the landowner.
- (7) Upon such terms and conditions as the office may determine, the office may enter into amendments of any articles of dedication upon a finding by the office that such amendments will not permit an impairment, disturbance, use or development of the

area inconsistent with the purposes of the articles of dedication or of KRS 146.410 to 146.530; provided, however, that if the fee simple interest in the area is not held by the Commonwealth of Kentucky under KRS 146.410 to 146.530, no amendment shall be made without the written consent of the owner or owners of the other interests therein.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 29, sec. 30, effective July 14, 2018. -- Created 1976 Ky. Acts ch. 118, sec. 12.